

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00794-CKK**

NATURAL RESOURCES DEFENSE COUNCIL v. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 04/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

NATURAL RESOURCES DEFENSE COUNCIL

represented by **Patrick D. Llewellyn**
PUBLIC CITIZEN LITIGATION GROUP
1600 20th Street, NW
Washington, DC 20009
(202) 588-7727
Fax: (202) 588-7795
Email: pllewellyn@citizen.org
ATTORNEY TO BE NOTICED

Michael T. Kirkpatrick
PUBLIC CITIZEN LITIGATION GROUP
1600 20th Street, NW
Washington, DC 20009
(202) 588-7728
Fax: (202) 588-7795
Email: mkirkpatrick@citizen.org
ATTORNEY TO BE NOTICED

V.

Defendant

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

represented by **Daniel Patrick Schaefer**
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2531
Fax: (202) 252-2599
Email: Daniel.Schaefer@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alexander Daniel Shoaibi
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: alexander.d.shoaibi@usdoj.gov
TERMINATED: 07/17/2018

Date Filed	#	Docket Text
04/09/2018	<u>1</u>	COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5410953) filed by NATURAL RESOURCES DEFENSE COUNCIL. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons to EPA, # <u>3</u> Summons to Attorney General, # <u>4</u> Summons to United States Attorney)(Kirkpatrick, Michael) (Attachment 1 replaced on 4/9/2018) (jd) (Entered: 04/09/2018)

		04/09/2018)
04/09/2018	<u>2</u>	Corporate Disclosure Statement by NATURAL RESOURCES DEFENSE COUNCIL. (Kirkpatrick, Michael) (Entered: 04/09/2018)
04/09/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (jd) (Entered: 04/10/2018)
04/10/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 04/10/2018)
04/10/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/10/2018. Answer due for ALL FEDERAL DEFENDANTS by 5/10/2018. (Kirkpatrick, Michael) (Entered: 04/10/2018)
04/10/2018	<u>5</u>	NOTICE of Appearance by Patrick D. Llewellyn on behalf of NATURAL RESOURCES DEFENSE COUNCIL (Llewellyn, Patrick) (Entered: 04/10/2018)
04/16/2018	<u>6</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 04/16/18. (DM) (Entered: 04/16/2018)
04/25/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 04/16/2018. (Kirkpatrick, Michael) (Entered: 04/25/2018)
04/25/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES ENVIRONMENTAL PROTECTION AGENCY served on 4/13/2018 (Kirkpatrick, Michael) (Entered: 04/25/2018)
05/09/2018	<u>9</u>	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Shoaibi, Alexander) (Entered: 05/09/2018)
05/09/2018	<u>10</u>	ANSWER to Complaint by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Shoaibi, Alexander) (Entered: 05/09/2018)
05/21/2018	<u>11</u>	ORDER. The parties shall file the schedule not later than JUNE 20, 2018 . Signed by Judge Colleen Kollar-Kotelly on May 21, 2018. (lcckk1) (Entered: 05/21/2018)
06/19/2018	<u>12</u>	Joint STATUS REPORT <i>and Proposed Scheduling Order</i> by NATURAL RESOURCES DEFENSE COUNCIL. (Attachments: # <u>1</u> Text of Proposed Order proposed scheduling order)(Kirkpatrick, Michael) (Entered: 06/19/2018)
07/09/2018		MINUTE ORDER: The Court has received the parties' <u>12</u> Joint Status Report. As the parties have proposed, Defendant shall complete its search and release at least half of the responsive records to Plaintiff by AUGUST 15, 2018 . Defendant shall release the remainder of responsive records to Plaintiff by SEPTEMBER 14, 2018 . The parties shall file a further Joint Status Report by OCTOBER 15, 2018 , confirming the status of Defendant's production, identifying any remaining issues, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on July 9, 2018. (lcckk1) (Entered: 07/09/2018)
07/09/2018		Set/Reset Deadlines: Joint Status Report due by 10/15/2018. (dot) (Entered: 07/11/2018)
07/17/2018	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Daniel Patrick Schaefer on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Alexander D. Shoaibi (Schaefer, Daniel) (Entered: 07/17/2018)
10/15/2018	<u>14</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 10/15/2018)
10/16/2018		MINUTE ORDER: The Court has received the parties' <u>14</u> Joint Status Report. Defendant has made several releases of documents to Plaintiff but continues to verify that it has no additional responsive records. Plaintiff is reviewing documents produced thus far. As the parties have proposed, they shall file a further Joint Status Report by

		NOVEMBER 15, 2018 , confirming the status of Defendant's production, identifying any remaining issues, and proposing a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on October 16, 2018. (lcckk1) (Entered: 10/16/2018)
10/16/2018		Set/Reset Deadlines: Joint Status Report due by 11/15/2018, confirming the status of Defendant's production, identifying any remaining issues, and proposing a briefing schedule, if necessary. (dot) (Entered: 10/17/2018)
11/15/2018	<u>15</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Schaefer, Daniel) (Entered: 11/15/2018)
11/28/2018		MINUTE ORDER: The Court has received the parties' <u>15</u> Joint Status Report. Defendant has issued a final response to Plaintiff's Freedom of Information Act request, and the parties have been collaborating since then to narrow, or resolve, remaining issues. The parties shall file a further Joint Status Report by no later than DECEMBER 18, 2018 , proposing a schedule for further proceedings, including a briefing schedule, if necessary. Signed by Judge Colleen Kollar-Kotelly on November 28, 2018. (lcckk1) (Entered: 11/28/2018)
11/28/2018		Set/Reset Deadlines: Joint Status Report due by 12/18/2018, proposing a schedule for further proceedings, including a briefing schedule, if necessary. (dot) (Entered: 11/29/2018)
12/18/2018	<u>16</u>	Joint STATUS REPORT by NATURAL RESOURCES DEFENSE COUNCIL. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit)(Kirkpatrick, Michael) (Entered: 12/18/2018)
12/21/2018		MINUTE ORDER: The Court has received the parties' <u>16</u> Joint Status Report, in which the parties make divergent proposals for the next steps in this litigation. Nevertheless, the Report, including its exhibits, suggests that the parties were working collaboratively until their latest impasse to narrow, or resolve, remaining issues. Because Defendant has offered to conduct a supplemental search to address at least part of Plaintiff's remaining issues, setting a briefing schedule at this time would not be the most efficient manner of resolving this case. Moreover, there is no indication in the Complaint that Plaintiff sought expedited review of its underlying Freedom of Information Act request. Accordingly, the Court shall decline to establish a schedule for the parties' cross-motions for summary judgment until after Defendant's supplemental searches and any further records processing is completed. By JANUARY 11, 2019 , Defendant shall conduct the supplemental search that Plaintiff requested, and which Defendant agreed to conduct. Upon completion of that supplemental search, the parties are directed to further confer on a processing schedule for any additional records that are located, and to propose a schedule for any further processing or, alternatively, a proposed briefing schedule, by JANUARY 22, 2019 . Signed by Judge Colleen Kollar-Kotelly on December 21, 2018. (lcckk1) (Entered: 12/21/2018)